

## **REMARKS**

Claim 1 has been amended to call for receiving broadcast communications including descriptions of available content. An automated rating algorithm is undertaken to analyze the content descriptions and to rate the related content. It is clear in the claim that the rating is done based on the description and not the content itself. Thus, the content is selected for broadcast based on the ratings, not vice versa.

The claim goes on to call for transmitting the rating information for use by a broadcaster and receiving content from the broadcaster, which content was selected based on the ratings.

Thus, the system provides content descriptions for automatic evaluation. The resulting ratings are provided to the broadcaster, who then selects the content to broadcast based on those ratings. Thus, it is not necessary to send the content in order to get the rating. Nor is it necessary to send all the content for selection by the user based on the ratings.

The cited reference to Dudkiewicz does not control the broadcast based on the ratings. Instead, Dudkiewicz clearly controls the tuning of the user's receiver based on the ratings. This means that the receiver must receive all the content and then select for viewing only that content for which the user's ratings are most desirable. Thus, there is no providing of the rating feedback back to the broadcaster, nor is there any selective broadcasting based on the ratings.


Likewise, the cited PCT application does not control the broadcast either. Nor does the cited PCT application analyze content descriptions. Instead, it analyzes content itself.

Thus, there seems to be no reasonable way to combine Dudkiewicz with the PCT application, since one does its ratings based on the content itself and the other does its ratings based on metadata.

Moreover, neither reference teaches controlling the broadcast based on content descriptions. Therefore, it is respectfully submitted that the claims as amended patentably distinguish over the cited art, and reconsideration is requested.

Respectfully submitted,

Date: June 23, 2008



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